IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 498 OF 2001

IN

SUMMARY SUIT NO. 3995 OF 2000

Bank of India .....**Plffs.**
vs.
M/s. Associated Constructions
and Ors. .....**Defnds.**

Ms. S.L. Noronha for the plaintiffs.

CORAM: S.U. KAMDAR, J.

DATE : 17TH AUGUST, 2005.

P.C. :.

1. The present summons for Judgment is taken out against the defendants on the basis of a bill of exchange drawn for a sum of Rs.2,12,911/-, The suit is based on a demand promissory note which is Ex.A for sum of Rs. 3.00 lacs due and payable with interest at the rate of 19% p.a. Though the

promissory note is annexed as Ex.A but from the perusal it seems that the suit is filed in respect of the over draft facility on the basis of running account. The promissory note is for Rs.3.00 lacs. The claim in the present suit is made only for Rs.1,10,386.50/-, Learned counsel for the plaintiff states that it is so because the amount is claimed at the foot of the account. In view thereof the suit is not maintainable as Summary Suit. Summons for Judgment dismissed. Unconditional leave to defend is granted.

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